

IN THE COURT OF COMMON PLEAS, TRUMBULL COUNTY, WARREN, OHIO

S U M M O N S

Rule 4 1995 Ohio Rules of Civil Procedure

2019 CV 00427

KATIE L COSTELLO
FKA KATIE SQUIBBS
7985 E LIBERTY ST
HUBBARD OH 44425
Plaintiff(s)

GOVERNMENT
EXHIBIT

A

VS.

US DEPARTMENT OF EDUCATION
DIRECT LOAN SERVICING CENTER
P O BOX 5609
GREENVILLE TX 75403
Defendant(s)

IF APPLICABLE, SEE COMPLAINT FOR ADDITIONAL DEFENDANTS

TO THE ABOVE NAMED DEFENDANT(S):

YOU ARE HEREBY SUMMONED THAT A COMPLAINT (A COPY OF WHICH IS HERETO ATTACHED AND MADE A PART HEREOF) HAS BEEN FILED AGAINST YOU IN THIS COURT BY THE PLAINTIFF(S) NAMED HEREIN:

YOU ARE REQUIRED TO SERVE UPON THE PLAINTIFF(S) ATTORNEY, OR UPON THE PLAINTIFF(S) IF THEY HAVE NO ATTORNEY OF RECORD, A COPY OF YOUR ANSWER TO THE COMPLAINT ***WITHIN TWENTY-EIGHT (28) DAYS AFTER SERVICE OF THIS SUMMONS UPON YOU***, EXCLUSIVE OF THE DAY OF SERVICE. SAID ANSWER MUST BE FILED WITH THIS COURT WITHIN THREE DAYS AFTER SERVICE ON PLAINTIFF'S ATTORNEY.

THE NAME AND ADDRESS OF THE PLAINTIFF(S) ATTORNEY IS AS FOLLOWS:

ANDREW W SUHAR
SUHAR & MACEJKO, LLC
29 EAST FRONT STREET
YOUNGSTOWN, OH 44501

IF YOU FAIL TO APPEAR AND DEFEND, JUDGMENT BY DEFAULT WILL BE TAKEN AGAINST YOU FOR THE RELIEF DEMANDED IN THE COMPLAINT.

KAREN INFANTE ALLEN
CLERK OF COURTS

BY: CYNTHIA BEALE
Deputy Clerk

Date: March 8, 2019

****FYI: IF THIS ACTION IS A CIVIL FORECLOSURE ACTION – PLEASE REFERENCE THE “SAVE THE DREAM” INFORMATIONAL PAGES AS FOUND ON THE CLERK’S WEBSITE AT: clerk.co.trumbull.oh.us/civil.htm**

IN THE COURT OF COMMON PLEAS
TRUMBULL COUNTY, OHIO

Katie Costello, f/k/a Katie Squibbs
7985 E. Liberty St.
Hubbard, OH 44425

Plaintiff,

vs.

U.S. Department of Education
Direct Loan Servicing Center
P.O. Box 5609
Greenville, TX 75403-5609

and

Alltran Education, Inc.
c/o CT Corporation System
4400 Easton Commons Way
Suite 125
Columbus, OH 43219

Defendants

CASE NO. 2019cv427

JUDGE ANDREW D LOGAN

**COMPLAINT AND REQUEST
FOR INJUNCTIVE RELIEF,
DAMAGES, STATUTORY
PENALTIES, AND ATTORNEY'S
FEES**

**JURY TRIAL DEMAND
ENDORSED HEREON**

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TRUMBULL COUNTY
CLERK OF COURTS
KATHLEEN M. LYNCH
CLERK OF COURTS
TRUMBULL COUNTY

NOW COMES Plaintiff, Katie Costello f/k/a Katie Squibbs, by and through counsel, and for her complaint against the U.S. Department of Education and Alltran Education, Inc. (collectively, the "Defendants"), alleges as follows:

INTRODUCTION

1. This is an action for injunctive relief and damages brought by an individual consumer against Defendant for violations of the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. § 1692, et seq. and the Ohio Consumer Sales Practices Act, R.C. § 1345.01, et seq. ("OCSA"), all of which prohibit entities from engaging in abusive, deceptive, and unfair practices.
2. Plaintiff, Katie Costello f/k/a Katie Squibbs, is a natural person residing at 7985 E. Liberty St., Hubbard, OH 44425.
3. This Court has venue to hear this case pursuant to Civ. R. 3(B)(3) in that some of the transactions complained of, and out of which this action arose, occurred in Trumbull County, Ohio.

4. Upon information and belief, Defendant, U.S. Department of Education, is a federal agency that, among other things, provides financial aid and assistance to individuals to attend education programs and institutions.
5. Upon information and belief, Defendant Alltran Education, Inc., is a company operating from an address at 2000 York Rd., #114, Oak Brook, IL 60523.
6. For purposes of this Complaint, unless otherwise indicated, Defendants include all agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers of Defendant named in this caption.
7. The actions of Defendants have occurred in Trumbull County and the State of Ohio, and as set forth below are in violation of the FDCPA and OCSPA.

STATEMENT OF FACTS

8. Defendant is a “supplier” as that term is defined in R.C. § 1345.01(C) as Defendants were engaging in the business of effecting “consumer transactions”, either directly or indirectly, by attempting to enforce the payment of a debt allegedly owed by consumers, which arose from consumer transactions for primarily primarily personal, family, or household purposes within the meaning specified in R.C. § 1345.01(A) and (D) in Trumbull County, Ohio.
9. Plaintiff is a “consumer” as defined by the OCSPA, R.C. § 1345.01(D).
10. Defendant, Alltran Education, Inc., is a “debt collector” as that term is defined in 15 U.S.C. § 1692(a)(6) of the FDCPA as Defendant used an instrumentality of interstate commerce or the mail in any business the principal purpose of which is the collection of any debts, as defined by 15 U.S.C. § 1692(a)(5), or regularly collected or attempted to collect, directly or indirectly, debts owed or due or asserted to be owed or due another, from Plaintiff who resides in Trumbull County, Ohio.
11. In 1991, Plaintiff obtained a loan in the amount of \$4,000.00 to attend Trumbull Business College (the “Debt”). Plaintiff completed her degree in 1993 and all payments were made by Plaintiff to the holder of the Debt. The Debt was paid in full in 1994.
12. After 25 years from the date the Debt was incurred, Defendants inexplicably initiated collection efforts on a Debt that has been paid off for decades.
13. Defendants have engaged in conduct that is harassing and abusive to Plaintiff by repeatedly and continuously contacting Plaintiff by telephone to collect the purported Debt, even after the Plaintiff advised Defendants that the she does not owe the Debt as it was previously paid off.

14. Defendants have engaged in conduct that is harassing and abusive to Plaintiff by repeatedly and continuously contacting Plaintiff directly by letters, without validating the purported Debt, even after the Plaintiff's counsel disputed the validity of the purported Debt and instructed Defendants to cease and desist.

15. Defendants threatens action against Plaintiff when there was no legal authority to do so.

16. Defendants continue to contact Plaintiff directly even after they were aware that Plaintiff was represented by counsel.

COUNT I

17. Plaintiff restates the allegations contained in paragraphs 1 through 16 of her Complaint as though fully rewritten herein.

18. Defendants committed unfair or deceptive, and unconscionable acts or practices in violation of the CSPA, R.C. § 1345.02(A) and R.C. § 1345.03(A) by using debt collection methods that violate the FDCPA, 15 U.S.C. § 1692 et seq.

19. Such acts or practices have been previously determined by Ohio courts to violate the CSPA, R.C. § 1345.01 et seq. Defendants committed said violations after such decisions were available for public inspection pursuant to R.C. 1345.05(A)(3).

COUNT II

20. Plaintiff restates the allegations contained in paragraphs 1 through 19 of her Complaint as though fully rewritten herein.

21. Defendants committed unfair or deceptive, and unconscionable acts or practices in violation of the CSPA, R.C. § 1345.02(A) and R.C. § 1345.03(A) by engaging in conduct the natural consequence of which is to harass, oppress, or abuse in connection with the collection of a debt.

22. Defendants committed unfair or deceptive, and unconscionable acts or practices in violation of the CSPA, R.C. § 1345.02(A) and R.C. § 1345.03(A) by contacting Plaintiff, a consumer, repeatedly or continuously by telephone to collect an unvalidated Debt after the Plaintiff advised Defendants that she did not owe it as it was previously paid off.

COUNT III

23. Plaintiff restates the allegations contained in paragraphs 1 through 22 of her Complaint as though fully rewritten herein.

24. Defendants committed unfair or deceptive, and unconscionable acts or practices in violation

of the CSPA, R.C. § 1345.02(A) and R.C. § 1345.03(A) by engaging in conduct the natural consequence of which is to harass, oppress, or abuse in connection with the collection of a debt.

25. Defendants committed unfair or deceptive, and unconscionable acts or practices in violation of the CSPA, R.C. § 1345.02(A) and R.C. § 1345.03(A) by making false, misleading, or deceptive representations in connection with the collection of the purported Debt.

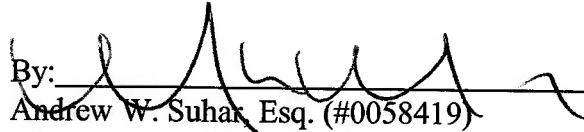
26. Defendant committed unfair or deceptive, and unconscionable acts or practices in violation of the CSPA, R.C. § 1345.02(A) and R.C. § 1345.03(A) by attempting to collect the purported Debt by threatening action against Plaintiff when Defendants had no legal authority to take such action.

WHEREFORE, Plaintiff prays for judgment in her favor and against the Defendants as follows:

- (a) ISSUE an order declaring that the Defendants have engaged in acts and practices in violation of the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. § 1692, et seq. and Consumers Sales Practices Act, R.C. § 1345.01 et seq.
- (b) ISSUE a permanent injunction enjoining the Defendants, their agents, servants, employees, successors and assigns, and all persons acting in concert and participation with it, directly or indirectly, through any corporate device, partnership, or other association, under this or any other name, from contacting Plaintiff, or attempting to collect the purported Debt, or engaging in the acts and practices described above.
- (c) GRANT judgment against the Defendants in the amount of three times the actual damages or \$200.00 for each unlawful act specified, whichever is greater, pursuant to R.C. § 1345.09(B).
- (d) Costs and reasonable attorney's fees, pursuant to R.C. § 1345.09(F)(2) and R.C. § 4712.10(A)(2).
- (e) Punitive damages.
- (f) GRANT such other relief as the Court deems to be just, equitable, and appropriate.

Respectfully submitted,

SUHAR & MACEJKO, LLC

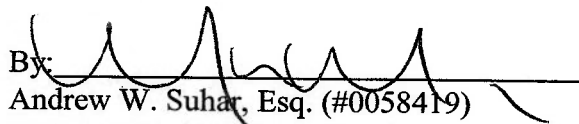
By: 
Andrew W. Suhar, Esq. (#0058419)
Melissa Macejko, Esq. (#0070974)
29 E. Front St., 2nd Floor
P.O. Box 1497
Youngstown, OH 44501-1497
Telephone: (330) 744-9007
Facsimile: (330) 744-5857
Email: mmacejko@suharlaw.com

Counsel for the Plaintiff

JURY DEMAND

A trial by jury is hereby demanded in this action.

SUHAR & MACEJKO, LLC

By: 
Andrew W. Suhar, Esq. (#0058419)
Melissa Macejko, Esq. (#0070974)

Counsel for the Plaintiff

INSTRUCTIONS FOR SERVICE

Please serve a copy of the foregoing Complaint, along with Summons, upon the Defendants and the following additional notice parties at the addresses noted below, by certified mail, return receipt requested, and make returnable according to law, all pursuant to Civ. R. 4.1.

U.S. Department of Education
Direct Loan Servicing Center
P.O. Box 5609
Greenville, TX 75403-5609

Education Department
Office of General Counsel
400 Maryland Ave. SW, Rm. 6E353
Washington, DC 20202

Alltran Education, Inc.
c/o CT Corporation System
4400 Easton Commons Way
Suite 125
Columbus, OH 43219

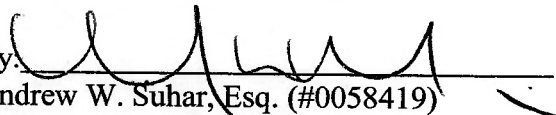
Office of the United States Attorney
Attn: Bankruptcy Section
Carl B. Stokes United States Court House
801 West Superior Avenue, Suite 400
Cleveland, Ohio 44113-1852

U.S. Department of Education
Direct Loan Servicing Center
P.O. Box 5609
Greenville, Texas 75403-5609

Attorney General of the United States
Main Justice Building
10th & Constitution Avenue, N.W.
Washington, D.C. 20530

Education Department
50 Beale Street
Suite 8200
San Francisco, CA 94105

SUHAR & MACEJKO, LLC

By: 
Andrew W. Suhar, Esq. (#0058419)
Melissa Macejko, Esq. (#0070974)

Counsel for the Plaintiff